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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,215	12/19/2001	Anthony Elliott	18872.0114	8507

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EXAMINER	
DUNWOODY, AARON M	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,215	ELLIOTT, ANTHONY	
	Examiner	Art Unit	
	Aaron M Dunwoody	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20,23-36,38 and 40-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *42* is/are allowed.

6)☒ Claim(s) *20,23-30,32-36,38,40,41 and 43-51* is/are rejected.

7)☒ Claim(s) *31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/8/2004 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites, "the end that receives the nut the bolt comprises"; however, it is not clear to the Examiner what this means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20, 24, 25-30, 34-36, 38, 41, 43-49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 649916, Dietrich in view of US patent 5697650, Brown.

In regards to claim 20, Dietrich discloses a pipe clamp comprising at least first and second parts (A, C) having a pivotal connection to allow the at least first and second parts to be opened for receiving a pipe, and a nut (B^1) and bolt (B) which can be tightened to secure the clamp on the pipe, one of the parts having ends and having a bifurcation (c) at one end through which the bolt passes, wherein the end mates directly in contact with the nut when it is tightened on the bolt so as to limit opening of the bifurcation. Dietrich does not disclose the clamp being made of plastics material. Brown teaches a clamp (16) being made of plastics material (col. 1, lines 40-44). As Brown relates to clamps, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the clamp from a plastics material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

In regards to claim 23, Dietrich in view of Brown further disclose a clamp made of plastics material, comprising:

a first clamp member;

a second clamp member;

a bolt; and

a nut

such that when the first clamp member is attached to the second clamp member and the bolt is attached to the first clamp member the nut can be tightened onto the bolt so as to clamp pipework between the first and second clamp members,

wherein the second clamp member comprises an aperture defined by prongs and into which the bolt can be moved laterally, the nut mates directly in contact with a seat (c^1) integrally formed on the second clamp member and tightening of the nut onto the second clamp member prevents splaying of the prongs.

In regards to claim 24, Dietrich discloses tightening of the nut onto the second clamp member exerting an inward force on the prongs, towards the bolt.

In regards to claim 25, Dietrich discloses the second clamp member comprising an open-sided, U-shaped aperture defined by prongs and in use the bolt can be moved laterally in and out of the aperture and the nut is tightened axially onto the bolt.

In regards to claim 26, Brown further discloses the first and second clamp members being pivotally connected at respective first ends.

In regards to claim 27, Dietrich discloses the bolt being separate from the first clamp member and comprising a retention means (b) and the first clamp member

comprising an aperture through which the bolt passes such that when the bolt has been passed through the aperture removal of the bolt from the first clamp member is resisted by the retention means.

In regards to claim 28, Dietrich discloses the retention means comprising a resilient, angled projection so the bolt can easily be inserted into the aperture but is more difficult to remove once inserted.

In regards to claim 29, Dietrich discloses the bolt comprising a T-shaped end portion to engage against the first clamp member in use and to act as a pivot for pivotal movement of the bolt relative to the first clamp member.

In regards to claim 30, Dietrich discloses at the end that receiving the nut or the bolt comprising a non-threaded portion (the chamfer at the end of the bolt) to facilitate location of the nut onto the bolt.

In regards to claim 34, Dietrich discloses projections extend from the prongs and prevent overclosing of the clamp.

In regards to claim 35, Dietrich in view of Brown disclose a nut and seat assembly, comprising

a nut to be tightened onto a bolt; and

a clamp member having a seat integrally formed thereon for the nut and an aperture defined by prongs so the bolt can be inserted laterally into the aperture and the nut can be tightened axially against the seat;

wherein the nut and seat mate directly in contact with each other and tightening of the nut onto the seat prevents outward movement of the prongs away from the bolt.

In regards to claim 36, Dietrich discloses tightening of the nut onto the seat pushes the prongs of the clamp member together and can tighten the prongs around the bolt.

In regards to claim 38, Dietrich discloses prongs of the clamp member form a U-shaped aperture such that in use a bolt can be inserted laterally into the open end of the aperture and the seat is formed from the sides of the prongs.

In regards to claim 41, Dietrich discloses projections extending from the prongs and prevent overclosing of the clamp.

In regards to claim 43, Dietrich in view of Brown disclose a pipe clamp made of plastics material, comprising a first part and a second part, each having first and second ends, wherein the first ends of each of said first and second parts are pivotally connected to allow the first and second parts to be opened for receiving a pipe, and a nut and bolt which can be tightened to secure clamp on the pipe, the second end of one of said first and second parts having a bifurcation through which the bolt passes, wherein the second end having the bifurcation engages with the nut when it is tightened on the bolt so as to limit opening of the bifurcation, and wherein further projections extend from the second end of one of said first and second parts and prevent overclosing of the clamp.

In regards to claim 44, Dietrich in view of Brown disclose a nut and seat assembly made of plastics material comprising a nut to be tightened onto a bolt; and (ii) a clamp member having a seat integrally formed, thereon for the nut and an aperture defined by prongs so the bolt can be inserted laterally into the aperture and the nut can

be tightened axially against the seat; wherein tightening of the nut onto the seat prevents outward movement of the prongs away from the bolt.

In regards to claim 45, Dietrich in view of Brown disclose a clamp made plastics material, comprising: a first clamp member; a second clamp member; a bolt; and a nut such that when the first clamp member is attached to the second clamp member and the bolt is attached to the first clamp member the nut can be tightened onto the bolt so as to clamp pipework between the first and second clamp members, wherein the second clamp member comprises an aperture defined by prongs and into which the bolt can be moved laterally, and tightening of the nut onto the second clamp member directly in contact therewith prevents splaying of the prongs.

In regards to claim 46, Dietrich in view of Brown disclose a method of securing a clamp around a pipe, comprising:

locating an upper clamp member over the pipe; locating a lower clamp member under the pipe, respective first ends of the clamp members being connected, optionally via a pivot, and a bolt being attached to the second end of one of the clamp members; and

tightening a nut onto the bolt so the nut engages with a seat on the second end of the other clamp member so as to close the clamp;

wherein the seat comprises prongs forming an open sided aperture for the bolt and

tightening the nut prevents outward movement of the prongs away from the bolt; and

tightening the nut onto the bolt so as to move the prongs inwards and tighten the prongs around the bolt.

In regards to claim 47, Dietrich in view of Brown further disclose a pipe clamp made of plastics material comprising at least first and second parts having a pivotal connection to allow the at least first and second parts to be opened for receiving a pipe, and a nut and bolt which can be tightened to secure the clamp on the pipe, one of the parts having ends and having a bifurcation at one end through which the bolt passes, wherein the end mates directly with the nut when it is tightened on the bolt so as to limit opening of the bifurcation, and wherein a concave recess provided on an inside surface of the nut cooperates with a convex portion or portions on the end of the part through which the bolt passes so that tightening the bolt urges the bifurcation together.

In regards to claim 48, Dietrich in view of Brown disclose a nut and seat assembly, comprising

a nut to be tightened onto a bolt; and

a clamp member having a seat for the nut and an aperture defined by prongs so the bolt can be inserted laterally into the aperture and the nut can be tightened axially against the seat;

wherein the nut and seat mate directly and tightening of the nut onto the seat prevents outward movement of the prongs away from the bolt; and

wherein the nut comprises a mating surface at or towards a lower edge of the nut which co-operates with a corresponding mating surface on the seat so that as the nut is

tightened onto the bolt action of the surfaces on each other prevents outward movement of the prongs or pushes the prongs together and tightens them around the bolt.

In regards to claim 49, Dietrich in view of Brown disclose nut and seat assembly, comprising

a nut to be tightened onto a bolt; and

a clamp member having a seat for the nut and an aperture defined by prongs so the bolt can be inserted laterally into the aperture and the nut can be tightened axially against the seat;

wherein the nut and seat mate directly and tightening of the nut onto the seat prevents outward movement of the prongs away from the bolt; and

wherein the nut comprises a mating surface at or towards a lower edge of the, nut which co-operates with a corresponding mating surface on the seat so that as the nut is tightened onto the bolt action of the surfaces on each other prevents outward movement of the prongs.

In regards to claim 50, Dietrich discloses the first clamp member comprising a cross-member for limiting pivotal movement of the bolt relative to the first clamp member.

Claims 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich in view of Brown, in further view of US patent 4128918, Wenk.

In regards to claims 33 and 40, Dietrich in view of Brown disclose the claimed invention except for the plastics material being glass filled nylon. Wenk teaches a clamp (20) being made of glass filled nylon (col. 7, lines 61-63). As Wenk relates to

clamps, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the clamp from a glass filled nylon, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claims 23-28, 29, 30, 34-36, 38, 41, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5873611, Munley et al in view of Brown.

In regards to claim 23, Munley et al disclose a clamp, comprising

a first clamp member (22);

a second clamp member (20);

a bolt (100); and

a nut (104) such that when the first clamp member is attached to the second clamp member and the bolt is attached to the first clamp member the nut can be tightened onto the bolt so as to clamp pipework between the first and second clamp members, wherein the second clamp member comprises an aperture defined by prongs (60, 62) and into which the bolt can be moved laterally, the nut mates directly with a seat (104) integrally formed on the second clamp member and tightening of the nut onto the second clamp member prevents splaying of the prongs. Munley et al do not disclose the clamp being made of plastics material. Brown teaches a clamp (16) being made of plastics material (col. 1, lines 40-44). As Brown relates to clamps, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

fabricate the clamp from a plastics material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

In regards to claim 24, Munley et al discloses tightening of the nut onto the second clamp member exerts an inward force on the prongs, towards the bolt.

In regards to claim 25, Munley et al discloses the second clamp member comprising an open-sided, U-shaped aperture defined by prongs and in use the bolt can be moved laterally in and out of the aperture and the nut is tightened axially onto the bolt.

In regards to claim 26, Munley et al discloses the first and second clamp members being pivotally connected at respective first ends.

In regards to claim 27, Munley et al discloses the bolt being separate from the first clamp member and comprising a retention means and the first clamp member comprises an aperture through which the bolt passes such that when the bolt has been passed through the aperture removal of the bolt from the first clamp member being resisted by the retention means.

In regards to claim 28, Munley et al discloses the retention means comprising a resilient, angled projection so the bolt can easily be inserted into the aperture but is more difficult to remove once inserted.

In regards to claim 29, Munley et al discloses the bolt comprising a T-shaped end portion to engage against the first clamp member in use and to act as a pivot for pivotal movement of the bolt relative to the first clamp member.

In regards to claim 30, Munley et al the end that receives the nut the bolt comprising a non-threaded portion (the tapered portion) to facilitate location of the nut onto the bolt.

In regards to claim 31, Munley et al in view of Brown disclose the first and second clamp members being separate but pivotally engaged to each other and wherein one of the first and second members comprises a resilient retention means and the other comprises a surface against which acts the retention means, and wherein it is easy to snap the first and second members into pivotal engagement but more difficult to disengage the first and second clamp members thereafter.

In regards to claim 34, Munley et al discloses projections (63') extending from the prongs and prevent overclosing of the clamp.

In regards to claim 35, Munley et al in view of Brown disclose a nut and seat assembly for a clamp, comprising a nut to be tightened onto a bolt; and a clamp member having a seat integrally formed thereon for the nut and an aperture defined by prongs so the bolt can be inserted laterally into the aperture and the nut can be tightened axially against the seat; wherein the nut and seat mate directly and tightening of the nut onto the seat prevents outward movement of the prongs away from the bolt.

In regards to claim 36, Munley et al discloses tightening of the nut onto the seat pushes the prongs of the clamp member together and can tighten the prongs around the bolt.

In regards to claim 38, Munley et al discloses prongs of the clamp member forming a U-shaped aperture such that in use a bolt can be inserted laterally into the open end of the aperture and the seat is formed from the sides of the prongs.

In regards to claim 41, Munley et al discloses projections extend from the prongs and prevent overclosing of the clamp.

In regards to claim 44, Munley et al in view of Brown disclose a nut and seat assembly comprising a nut to be tightened onto a bolt; and a clamp member having a seat integrally formed thereon for the nut and an aperture defined by prongs so the bolt can be inserted laterally into the aperture and the nut can be tightened axially against the seat; wherein tightening of the nut onto the seat prevents outward movement of the prongs away from the bolt.

In regards to claim 46, Munley et al in view of Brown disclose a method of securing a clamp around a pipe, comprising:

locating an upper clamp member over the pipe; locating a lower clamp member under the pipe, respective first ends of the clamp members being connected, optionally via a pivot, and a bolt being attached to the second end of one of the clamp members; and

tightening a nut onto the bolt so the nut engages with a seat on the second end of the other clamp member so as to close the clamp;

wherein the seat comprises prongs forming an open sided aperture for the bolt and

tightening the nut prevents outward movement of the prongs away from the bolt; and

tightening the nut onto the bolt so as to move the prongs inwards and tighten the prongs around the bolt.

Claims 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munley et al in view of Brown, in further view of US patent 4128918, Wenk.

In regards to claims 33 and 40, Munley et al in view of Brown disclose the claimed invention except for the plastics material being glass filled nylon. Wenk teaches a clamp (20) being made of glass filled nylon (col. 7, lines 61-63). As Wenk relates to clamps, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the clamp from a glass filled nylon, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

Claim 42 is allowed.

Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aaron M Dunwoody
Examiner
Art Unit 3679

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